

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

REJECTS SKATE MAGAZINE, INC., a
Tennessee Corporation; WESLEY M.
DRIVER; RADIUS MEDIA, LLC, an Alabama
limited liability corporation; and
SHAWN ENGLER,

Plaintiffs,

v.

ACUTRACK, INC.,

Defendant.

No. C 06-2590 CW

ORDER DENYING
DEFENDANT'S
MOTION FOR LEAVE
TO FILE MOTION
FOR PARTIAL
RECONSIDERATION
OF ORDER GRANTING
IN PART AND
DENYING IN PART
DEFENDANT'S
MOTION TO DISMISS

Defendant Acutrack, Inc., has filed a motion for partial reconsideration of the Court's August 22, 2006, order granting in part and denying in part Defendant's motion to dismiss. Under Local Rule 7-9, a motion for leave to file a motion for reconsideration may only be granted if the moving party shows:

(1) That at the time of the motion for leave, a material difference in fact or law exists from that which was presented

1 to the Court before entry of the interlocutory order for which
2 reconsideration is sought. The party also must show that in
3 the exercise of reasonable diligence the party applying for
4 reconsideration did not know such fact or law at the time of
5 the interlocutory order; or (2) The emergence of new material
6 facts or change of law occurring after the time of such order;
7 or (3) A manifest failure by the Court to consider material
8 facts or dispositive legal arguments which were presented to
9 the Court before such interlocutory order.

10 Civil L.R. 7-9(b).

11 Defendant Acutrack, Inc., has failed to satisfy any
12 requirement listed by Civil Local Rule 7-9(b) for obtaining leave
13 to file a motion for reconsideration. The Court denies Defendant's
14 motion.

15 IT IS SO ORDERED.

16 Dated: 9/11/06



17 CLAUDIA WILKEN
18 United States District Judge
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